



The DSA Creditors' Trust
ABN 82 929 616 738

Report to Creditors

9 June 2022

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Please complete and return the forms at **Annexure D** by close of business, **24 June 2022** to our office via:

Email: Imacgregor2@kpmg.com.au

Post: ATT: Lachlan MacGregor,, PO Box H67, AUSTRALIA SQUARE NSW 1215

Glossary

Abbreviation	Description
ACN	Australian Company Number
Act	The Corporations Act 2001 (Cth)
Admitted Claims	has the meaning given to it in the DOCA
ARITA	Australian Restructuring Insolvency & Turnaround Association
ASIC	Australian Securities and Investments Commission
ATO	Australian Taxation Office
Claim	has the meaning given to it in the DOCA
Companies	Disability Services Australia Limited DSA Mentoring Services Limited Macquarie Employment Training Service Limited
Creditors' Portal	The online platform used by the Trustee to communicate with creditors and manage creditor claims. Please refer to Annexure C for further information
Creditors' Trust Deed	Creditors' Trust Deed executed on 13 December 2021 by the Trustees (in their capacity as joint and several deed administrators of the Companies), the Companies and Scope
DOCA	Deed of Company Arrangement
DSA	Disability Services Australia Limited
DSAM	DSA Mentoring Services Limited
Final Dividend	has the meaning given to it in the Creditors' Trust Deed
First Meetings	First Meetings of creditors held on 6 September 2021
GST	Goods and Services Tax
Liabilities	means the Administrators' Liabilities, Deed Administrators' Liabilities, Trustees' Liabilities, Administrators' Remuneration, Deed Administrators' Remuneration and Trustees Remuneration, as those terms are defined in the Creditors' Trust Deed, including by incorporation.
METS	Macquarie Employment Training Service Limited
Scope	Scope (Aust) Ltd
Second Meetings	Second Meetings of creditors held on 2 December 2021
Trust	The DSA Creditors' Trust established under the Creditors' Trust Deed
Trustees	Gayle Louise Dickerson and James Douglas Dampney

1 Introduction

I refer to the appointment of Gayle Dickerson and I as:

- Administrators of the Companies on 25 August 2021;
- Deed Administrators of the Companies on 2 December 2021; and
- Trustees of the Trust on 13 December 2021.

This report informs creditors about the progress of the Trust and remaining steps prior to finalisation. We note that an interim dividend of 100 cents in the dollar was paid to 106 creditors on 31 March 2022 at which point these parties ceased to be creditors of the Trust.

We are aware of seven outstanding proofs of debt which represent the remaining creditors of the Trust and to whom this report has been issued.

2 Update on the Trust

2.1 Matters addressed since our last report to creditors

Since our last report to creditors, we have attended to the following matters:

- Held the concurrent second meeting of creditors of the Companies and subsequently effectuated the DOCA on 13 December 2021;
- Attended to practical and legal handover tasks with Scope following the effectuation of the DOCA;
- Finalised and paid remaining trading liabilities relating to the Administration and DOCA periods;
- Paid outstanding pre-appointment entitlements to employees and superannuation guarantee charge to the Australian Taxation Office;
- Adjudicated on 106 proof of debt claims;
- Payment of a first interim dividend to adjudicated unsecured creditors at a rate of 100 cents in the dollar on admitted claims; and
- Attendance to ongoing statutory and financial reporting requirements.

2.2 Summary of receipts and payments

A summary of the receipts and payments of the Trust to 9 June 2022 is attached as **Schedule F to Annexure B**.

3 Meeting of creditors

A meeting of creditors of Trust will be held on 27 June 2022 at 3:00PM (AEST) via teleconference. Attached is a Notice of Meeting of Creditors (**Annexure A**).

We are using the Creditors' Portal to manage creditor claims. Creditors are required to register and submit a formal proof of debt form (if one has not already been lodged) electronically via the Creditors' Portal at the following link <https://creditors.accountants/>. Creditors can find further guidance on how to register, submit and manage a claim at **Annexure C**.

Creditors wishing to vote at the meeting, who will not be attending via teleconference or are a company, must complete a formal proof of debt form (if one has not already been lodged) electronically by registering on the Creditors' Portal and complete a Form 532 – Appointment of Proxy (**Annexure D1**) by no later than 4pm on the last business day prior to the meeting and send it by email to Imacgregor2@kpmg.com.au, by post to PO Box H67, AUSTRALIA SQUARE NSW 1215 or by facsimile to +61 2 9335 7001. A Proxy Form is **enclosed**.

A person is not entitled to vote at the meeting unless they provide particulars of the debt or claim to the Trustees before the meeting. All creditors must furnish full details of their claims including all supporting documentation.

Your attendance at this meeting by special proxy or via telephone (if convenient) would be greatly appreciated.

Please contact KPMG by email at Imacgregor2@kpmg.com.au or by telephone to (07) 3233 9767 at least one business day prior to the meeting to advise that you will be using the conference facilities and to be provided with the conference call code.

4 Remuneration

At the meeting, creditors will be requested to approve the remuneration of the Trustees as detailed in the attached Remuneration Approval Request (**Annexure B**), summarised below:

For	Period	Amount (ex GST) \$
Work already completed	23 March 2022 to 27 May 2022	73,846.50
Work to be completed in the future	28 May 2022 to completion of the DSA Creditors' Trust	50,000.00
Total remuneration to be approved		\$123,846.50

A Trustee's remuneration can only be fixed by resolution of a COI, the creditors, or by application to the Court. In accordance with IPR 70-35 and the Code, an Initial Remuneration Notice was provided to creditors with our initial communication and tabled at the First Meetings. A further remuneration notice was tabled at the Second Meetings.

ARITA has issued an "Approving remuneration in external administrations" information sheet providing general information for creditors on the approval of an administrator's fees in a liquidation, a Voluntary Administration or a DOCA. This information sheet is available from the ARITA website (www.arita.com.au).

5 Proposed amendments to the Creditors' Trust Deed

At the meeting of creditors, the Trustees will request creditors to approve two amendments to the Creditors' Trust Deed. The proposed amendments are summarised below and will be implemented via an Amending Deed to the Creditors' Trust Deed to be executed by the Trustees, the Companies and Scope.

Scope and the Companies have consented to the proposed amendments summarised below.

Proposed amendment 1

Clause 6.2 of the Creditors' Trust Deed provides that the Trustees will report to and remit any surplus from the Trust to the Companies as working capital following the distribution of all funds payable to creditors of the Trust.

The Trustees currently estimate there will be a surplus available for distribution to the Companies of approximately \$5 million following the payment of all Liabilities and Admitted Claims in accordance with Creditors' Trust Deed.

Accordingly, the Trustees seek the approval of creditors to amend the Creditors' Trust Deed to allow the Trustees to make interim distributions to the Companies, in the absolute discretion of the Trustees, on the basis that the Trustees will at all times retain sufficient funds to pay in full all remaining Admitted Claims and Liabilities.

Proposed amendment 2

The parties to the Creditors' Trust Deed have agreed that the Trustees may retain \$250,000 in the Creditors' Trust Account for a period of up to 12 months following the payment of the Final Dividend to pay, discharge or otherwise satisfy any outstanding Claims or Liabilities.

Any remaining surplus will be distributed to the Companies as working capital, at latest, within 5 business days of the expiry of the 12-month period following the Final Dividend. It is anticipated that the Trust will terminate, and the Trustees will resign, as soon as practicable following the payment of the remaining surplus.

6 ARITA information for creditors

ASIC has produced information sheets for creditors to assist their understanding of common company insolvency procedures. These information sheets can be downloaded from www.asic.gov.au under the insolvency tab.

7 Conclusion

The following matters will continue to be progressed:

- Hold a meeting of the remaining Trust creditors and amend the Creditors' Trust Deed as proposed;
- Adjudicate remaining proof of debt claims and process a final dividend to remaining creditors;
- Pay interim and final distributions to the Companies in accordance with the terms of the Creditors' Trust Deed; and
- Attend to remaining statutory tasks and finalise the Trust on or around 30 June 2023.

Should you have any questions, please contact **Lachlan Macgregor** of this office on (07) 3233 9767 or by email at AU-FMDSA@kpmg.com.au.

Dated this 9th day of June 2022



James Dampney
Trustee of the DSA Creditors' Trust

Annexures

A – Notice of meeting of creditors

Notice of meeting of creditors

Insolvency Practice Rules (Corporations) 2016, Section 75-15

The DSA Creditors' Trust
ABN 82 929 616 738

NOTICE is given that a meeting of creditors of the Trust will be held on 27 June 2022 at 3:00PM (AEST) via teleconference.

Agenda

1. To hear an account of the Trustees' dealings in the Trust to date.
2. To consider and if appropriate, fix the remuneration of the Trustees for the period 23 March 2022 to 27 May 2022.
3. To consider and if appropriate, fix the future remuneration of the Trustees for the period 28 May 2022 to completion of the Trust.
4. To consider and if appropriate, consent to the variation of the Creditors' Trust as outlined in the report to creditors dated 9 June 2022.
5. Any other business that may be lawfully brought forward.

Creditors wishing to vote at the meeting, who will not be attending via teleconference or are a company, must complete and return a Proxy Form (and lodge a Proof of Debt form electronically via the Creditors' Portal if one has not already been lodged) by no later than 4pm on the last business day prior to the meeting by email to Imacgregor2@kpmg.com.au, by post to PO Box H67, AUSTRALIA SQUARE NSW 1215 or by facsimile to +61 2 9335 7001. A Proxy Form is enclosed.

If you wish to vote or participate, you must attend via teleconference or by proxy. Creditors are not entitled to vote at the meeting unless they lodge particulars of the debt or claim via the Creditors' Portal before the meeting. Please contact KPMG by email at Imacgregor2@kpmg.com.au or by telephone to (07) 3233 9767 at least one business day prior to the meeting to advise that you will be using the conference facilities and to be provided with the conference call code.

Note: In accordance with IPR Section 75-15(1)(c) please see effect of IPR Section 75-85 Entitlement to vote at meetings of creditors on the following page.

Dated this 9th day of June 2022



James Dampney
Trustee of the DSA Creditors' Trust

Effect of IPR Section 75-85 – Entitlement to vote at meetings of creditors

1. A person other than a creditor (or the creditor's proxy or attorney) is not entitled to vote at a meeting of creditors.
2. Subject to subsections (3), (4) and (5), each creditor is entitled to vote and has one vote.
3. A person is not entitled to vote as a creditor at a meeting of creditors unless:
 - (a) his or her debt or claim has been admitted wholly or in part by the external administrator; or
 - (b) he or she has lodged, with the person presiding at the meeting, or with the person named in the notice convening the meeting as the person who may receive particulars of the debt or claim:
 - (i) those particulars; or
 - (ii) if required—a formal proof of the debt or claim.
4. A creditor must not vote in respect of:
 - (a) an unliquidated debt; or
 - (b) a contingent debt; or
 - (c) an unliquidated or a contingent claim; or
 - (d) a debt the value of which is not established;unless a just estimate of its value has been made.
5. A creditor must not vote in respect of a debt or a claim on or secured by a bill of exchange, a promissory note or any other negotiable instrument or security held by the creditor unless he or she is willing to do the following:
 - (a) treat the liability to him or her on the instrument or security of a person covered by subsection (6) as a security in his or her hands;
 - (b) estimate its value;
 - (c) for the purposes of voting (but not for the purposes of dividend), to deduct it from his or her debt or claim.
6. A person is covered by this subsection if:
 - (a) the person's liability is a debt or a claim on, or secured by, a bill of exchange, a promissory note or any other negotiable instrument or security held by the creditor; and
 - (b) the person is either liable to the company directly, or may be liable to the company on the default of another person with respect to the liability; and
 - (c) the person is not an insolvent under administration or a person against whom a winding up order is in force.

B – Remuneration approval request

Schedule 2 to the Corporations Act 2001, Section 70-50
Insolvency Practice Rules (Corporations) 2016, Section 70-45

The DSA Creditors' Trust
ABN 82 929 616 738

1 Summary

We are asking creditors to approve the following remuneration and disbursements.

Details of remuneration can be found in **Section 3** of this remuneration approval request.

- Please review the contents of this report, which sets out the resolutions to be approved by creditors at the meeting of creditors on 27 June 2022.
- Refer to **Section 3** of the circular to creditors dated 9 June 2022 for details as to how you can attend the meeting of creditors in person or by proxy in order to vote on the resolutions contained in this report.

Creditors have previously approved our remuneration of \$4,413,746.00 and disbursements of \$52,800.00 as per below:

(\$ excl GST)	DSA	DSAM	METS	Total
Remuneration approved at Concurrent Second Meetings – Voluntary Administration, DOCA and Creditors' trust				
Voluntary Administration – 25 August 2021 to 19 November 2021	2,945,700.00	99,803.00	325,868.00	3,371,371.00
Voluntary Administration – 20 November 2021 to 2 December 2021	349,658.00	11,325.00	38,647.00	399,630.00
Total remuneration – Voluntary Administration	3,295,358.00	111,128.00	364,514.00	3,771,000.00
DOCA (if applicable) - date of execution of the DOCA to completion of the DOCA	313,710.00	7,616.00	8,384.00	329,710.00
Creditors' Trust (if applicable) - execution of the Creditors' Trust to the effectuation of the Creditors' Trust	284,463.00	11,316.00	17,259.00	313,038.00
Total remuneration – DOCA and Creditors' Trust	598,173.00	18,931.00	25,642.00	642,746.00
Estimated total remuneration	3,893,531.00	130,059.00	390,156.00	4,413,746.00
Internal Disbursements approved at Concurrent Second Meetings – Voluntary Administration, DOCA and Creditors' trust				
Voluntary Administration – 25 August 2021 to 19 November 2021	28,800.00	-	-	28,800.00
Voluntary Administration – 20 November 2021 to 2 December 2021	5,000.00	1,000.00	2,000.00	8,000.00
Total internal disbursements – Voluntary Administration	33,800.00	1,000.00	2,000.00	36,800.00
DOCA (if applicable) - date of execution of the DOCA to completion of the DOCA	5,000.00	1,000.00	2,000.00	8,000.00
Creditors' Trust (if applicable) - execution of the Creditors' Trust to the effectuation of the Creditors' Trust	5,000.00	1,000.00	2,000.00	8,000.00
Total internal disbursements – DOCA and Creditors' Trust	10,000.00	2,000.00	4,000.00	16,000.00
Total internal disbursements	43,800.00	3,000.00	6,000.00	52,800.00

We estimate that the total cost of the external administrations will be \$4,537,592.50. This estimate has increased from our previous estimate provided to creditors in the remuneration approval request report included in the Voluntary Administrators' Report dated 24 November 2021, which estimated a cost of \$4,413,746.00 (excluding GST). Please see **Schedule D** regarding the reasons why the estimate has been exceeded.

This is our final remuneration approval request.

2 Declaration

We, Gayle Dickerson and James Dampney of KPMG, have undertaken an assessment of this remuneration and

disbursements claim for our appointment as Trustees of the Creditors' Trust in accordance with the law and applicable professional standards. We are satisfied that the remuneration claimed is necessary and proper.

We have reviewed the work in progress report to ensure that remuneration is only being claimed for necessary and proper work performed and adjustments were made to ensure that there were sufficient narrations for the work performed.

3 Remuneration sought

The remuneration we are asking creditors to approve is as follows:

For	Period	Amount (ex GST) \$	Rates to apply	When it will be drawn
Work already completed	23 March 2022 to 27 May 2022	73,846.50	Please refer to IRN sent to creditors on 27 August 2021	Immediately following approval
Work to be completed in the future	28 May 2022 to completion of the DSA Creditors' Trust	50,000.00		Periodically, on account of accruing remuneration
Total remuneration to be approved		\$123,846.50		

Details of the work already completed and work to be completed in the future is included at **Schedule A**.

Schedule B includes a breakdown of time spent by staff members on each major task for work we have already completed.

Actual resolutions to be put to the meeting are set out at **Schedule C** for your information. These resolutions also appear in the proxy form for the meeting that has been provided to you.

4 Previous remuneration approvals

The following Trustee remuneration approvals have previously been provided by creditors:

For	Period	Approved by	Amount approved (ex GST) \$	Amount paid (ex GST) \$
DSA Future work	Execution of the Creditors' Trust to the effectuation of the Creditors' Trust	Creditors	284,463.00	284,463.00
DSAM Future work			11,316.00	11,316.00
METS Future work			17,259.00	17,259.00
Total remuneration previously approved			313,038.00	313,038.00

We are now seeking approval of a further \$123,846.50 in remuneration which will bring total remuneration claimed in this Trust to \$436,884.50.

A full explanation is at **Schedule D**.

5 Likely impact on dividends

The Corporations Act sets the order for payment of claims and it provides for remuneration of the Trustees to be paid in priority to other claims. This ensures that when there are sufficient funds, the Trustees receive payment for the work done.

Based on:

- Realisations to date;
- Our estimated remuneration; and
- The estimated total of remaining creditor claims based on the Trust's records and claims lodged to date.

A dividend of 100 cents in the dollar will be paid in the Creditors' Trust.

6 Report on progress of the Trust

This Remuneration Approval Request must be read in conjunction with the circular to creditors dated 9 June 2022 which outlines the progress of the Trust.

7 Summary of receipts and payments

A summary of receipts and payments for the period 13 December 2021 to 9 June 2022 is set out at **Schedule E** to this Remuneration Approval Request.

8 Approval of remuneration

For information about how approval of the resolutions for remuneration will be sought, refer to **Section 4** of the circular to creditors dated 9 June 2022.

9 Questions

If you require further information in relation to the information in this report, please contact this office at AU-FMDSA@kpmg.com.au or on (07) 3233 9767.

You can also access information which may assist you on the following websites:

- ARITA at www.arita.com.au/creditors
- ASIC at www.asic.gov.au (search for INFO 85)

Dated this 9th day of June 2022



James Dampney
Trustee of the DSA Creditors' Trust

Attachments:

- Schedule A – Details of work already completed
- Schedule B – Time spent by staff on each major task already completed
- Schedule C – Resolutions
- Schedule D – Explanation where future remuneration previously approved
- Schedule E – Summary of receipts and payments

Schedule A – Details of work

The below table contains more detailed descriptions of the tasks performed / to be performed within each task area by the Trustees and their staff, which is referred to in Part 3 and supports Resolutions 1 and 2 set out in **Schedule C**.

		Tasks	
		Work already done	Future work
Period		23 March 2022 to 27 May 2022	28 May 2022 to completion of the DSA Creditors' Trust
Amount (ex GST)		\$73,846.50	\$50,000.00
Task Area	General Description		
Creditors		32.6 hours \$13,218.50	20.0 hours \$10,000.00
	Creditor enquiries, requests and directions	<ul style="list-style-type: none"> – Receive and respond to creditor enquiries – Maintaining creditor request log – Review and prepare correspondence to creditors and their representatives – Considering reasonableness of creditor requests – Obtaining legal advice on requests – Compiling information requested by creditors 	<ul style="list-style-type: none"> – Receive and respond to creditor enquiries – Maintaining creditor request log – Review and prepare correspondence to creditors and their representatives – Considering reasonableness of creditor requests – Obtaining legal advice on requests – Compiling information requested by creditors
	Reports to creditors	<ul style="list-style-type: none"> – Preparing report to creditors 	<ul style="list-style-type: none"> – Preparing report to creditors
	Dealing with proofs of debt (POD)	<ul style="list-style-type: none"> – Receipting and filing POD when not related to a dividend – Corresponding with ATO regarding claim when not related to a dividend 	
	Meeting of creditors	<ul style="list-style-type: none"> – Preparation of meeting notices, proxies and advertisements 	<ul style="list-style-type: none"> – Preparation of meeting notices, proxies and advertisements – Forward notice of meeting to all known creditors – Preparation of meeting file, including agenda, certificate of postage, attendance register, list of creditors, reports to creditors, advertisement of meeting and draft minutes of meeting. – Preparation and lodgement of minutes of meetings with ASIC – Respond to stakeholder queries and questions immediately following meeting

		Tasks
	Work already done	Future work
Dividend	71.5 hours \$36,625.50	25.0 hours \$12,500.00
Processing proofs of debt (POD)	<ul style="list-style-type: none"> – Preparation of correspondence to potential creditors inviting lodgement of POD – Receipt of POD – Maintain POD register – Adjudicating POD – Request further information from claimants regarding POD – Preparation of correspondence to claimant advising outcome of adjudication 	<ul style="list-style-type: none"> – Preparation of correspondence to potential creditors inviting lodgement of POD – Receipt of POD – Maintain POD register – Adjudicating POD – Request further information from claimants regarding POD – Preparation of correspondence to claimant advising outcome of adjudication
Dividend procedures	<ul style="list-style-type: none"> – Preparation of correspondence to creditors advising of intention to declare dividend – Advertisement of intention to declare dividend – Obtain clearance from ATO to allow distribution of Trust assets – Preparation of dividend calculations – Preparation of correspondence to creditors announcing declaration of dividend – Preparation of distribution – Preparation of dividend file – Preparation of payment vouchers to pay dividend – Preparation of correspondence to creditors enclosing payment of dividend 	<ul style="list-style-type: none"> – Preparation of correspondence to creditors advising of intention to declare dividend – Advertisement of intention to declare dividend – Obtain clearance from ATO to allow distribution of Trust assets – Preparation of dividend calculations – Preparation of correspondence to creditors announcing declaration of dividend – Advertise announcement of dividend – Preparation of distribution – Preparation of dividend file – Preparation of payment vouchers to pay dividend – Preparation of correspondence to creditors enclosing payment of dividend
Employees	26.1 hours \$12,417.50	10.0 hours \$5,000.00
Employee dividend distribution	<ul style="list-style-type: none"> – Correspondence with ATO regarding SGC POD 	<ul style="list-style-type: none"> – Correspondence with employees regarding dividend – Preparing dividend file – Preparing distribution – Ensuring PAYG is remitted to ATO
Workers compensation	<ul style="list-style-type: none"> – Finalise workers compensation liability and make payment 	<ul style="list-style-type: none"> – Finalise workers compensation liability and make payment

		Tasks	
Work already done		Future work	
Trade on	18.6 hours \$7,973.00	20.0 hours \$10,000.00	
Trade on management	– Liaising with suppliers to finalise Administration and DOCA trading period liabilities	– Liaising with suppliers to finalise Administration and DOCA trading period liabilities	
Processing receipts and payments	– Entering receipts and payments into accounting system	– Entering receipts and payments into accounting system	
Administration	7.9 hours \$3,612.00	25.0 hours \$12,500.00	
Correspondence	– General correspondence	– General correspondence	
Document maintenance, file review, checklist	– Administration reviews – Filing of documents – File reviews – Updating checklists	– Administration reviews – Filing of documents – File reviews – Updating checklists	
Insurance	– Finalise insurance policies		
Bank account administration	– Preparing correspondence closing accounts – Bank account reconciliations – Correspondence with bank regarding specific transfers	– Preparing correspondence closing accounts – Bank account reconciliations – Correspondence with bank regarding specific transfers	
ASIC forms and lodgements		– Preparing and lodging ASIC forms	
ATO and other statutory reporting	– Preparing BASs – Completing STP reporting obligations	– Preparing BASs – Completing STP reporting obligations	
Finalisation		– Notifying ATO of finalisation – Cancelling ABN / GST / PAYG registration – Completing checklists – Finalising WIP	
Planning / Review	– Discussions regarding status / strategy of administration	– Discussions regarding status / strategy of administration	
Books and records / storage		– Dealing with records in storage – Sending job files to storage	

Schedule B: Time spent by staff on each major task already completed

The below table sets out time charged to each major task area performed by the Trustees and their staff for the period 23 March 2022 to 27 May 2022, which is the basis of the Resolution 1 claim referred to in **Schedule C**. Please refer to **Schedule A** for further details with respect to the tasks performed.

Employee - Restructuring Services	Position	Rate (ex GST) \$/Hour	Total		Creditors		Dividend		Task Area Employees		Trade-on		Administration	
			Hrs	\$	Hrs	\$	Hrs	\$	Hrs	\$	Hrs	\$	Hrs	\$
Dampney James	Trustee / Partner	725	15.0	10,875.00	-	-	13.6	9,860.00	0.7	507.50	0.7	507.50	-	-
Dickerson Gayle	Trustee / Partner	725	0.5	362.50	-	-	-	-	-	-	-	-	0.5	362.50
Dickson James	Director	630	0.7	441.00	-	-	-	-	-	-	0.7	441.00	-	-
Clark Heile	Associate Director	595	1.1	654.50	0.5	297.50	-	-	0.6	357.00	-	-	-	-
Noon Phoebe	Manager	530	62.7	33,231.00	5.7	3,021.00	32.6	17,278.00	12.6	6,678.00	7.9	4,187.00	3.9	2,067.00
Porwal Rajat	Executive	450	0.8	360.00	-	-	-	-	0.2	90.00	-	-	0.6	270.00
Vogel Gillian	Executive	450	1.0	450.00	-	-	-	-	1.0	450.00	-	-	-	-
Munro Campbell	Executive	450	1.3	585.00	-	-	-	-	1.3	585.00	-	-	-	-
Lloyd Alexandra	Executive	450	1.5	675.00	-	-	-	-	1.5	675.00	-	-	-	-
MacGregor Lachlan	Analyst	375	26.5	9,937.50	2.9	1,087.50	18.9	7,087.50	3.5	1,312.50	1.2	450.00	-	-
Foley Hamish	Analyst	375	32.5	12,187.50	19.5	7,312.50	6.4	2,400.00	4.7	1,762.50	0.4	150.00	1.5	562.50
Bishop Claudia	Analyst	375	6.5	2,437.50	4.0	1,500.00	-	-	-	-	2.5	937.50	-	-
Delaguiado Astra	Team Administrator	250	4.9	1,225.00	-	-	-	-	-	-	4.6	1,150.00	0.3	75.00
Choi Sue	Team Administrator	250	1.4	350.00	-	-	-	-	-	-	0.3	75.00	1.1	275.00
Brandt Lisa	Team Administrator	250	0.3	75.00	-	-	-	-	-	-	0.3	75.00	-	-
Total (excluding GST)			156.7	73,846.50	32.6	13,218.50	71.5	36,625.50	26.1	12,417.50	18.6	7,973.00	7.9	3,612.00
GST				7,384.65		1,321.85		3,662.55		1,214.75		797.30		361.20
Total (including GST)				81,231.15		14,540.35		40,288.05		13,632.25		8,770.30		3,973.20
				471.26		405.48		512.24		475.77		428.66		457.22

Schedule C – Resolutions

Remuneration

Resolution 1 – for work already completed:

"That the remuneration of the Trustees, as set out in the Remuneration Approval Request dated 9 June 2022, for the period from 23 March 2022 to 27 May 2022 be fixed in the amount of \$73,846.50, plus any applicable GST, and may be paid."

Resolution 2 – for work to be completed in the future:

"That the future remuneration of the Trustees, as set out in the Remuneration Approval Request dated 9 June 2022, for the period from 28 May 2022 to completion of the DSA Creditors' Trust be fixed up to a maximum amount of \$50,000.00, plus any applicable GST, but subject to upward revision by resolution of creditors, and that the Trustees be authorised to make periodic payments on account of such accruing remuneration as incurred."

Schedule D – Explanation where remuneration previously approved

At the concurrent second meetings of creditors held on 2 December 2021, creditors approved our prospective Trustee remuneration of \$313,038.00, detailed as follows:

Company	Creditors' Trust estimated fees
DSA	284,463.00
DSAM	11,316.00
METS	17,259.00
Total	313,038.00

To date, we have drawn \$313,038.00 and applied it in payment of our remuneration. Our remuneration has exceeded this cap and in this report we are now seeking approval of a further capped amount of \$123,846.50 to enable us to finalise the Trust.

To assist creditors with understanding how total remuneration has and/or will be incurred, this table shows remuneration drawn to date, including the current claim, divided by task categories.

Task	Total fees drawn \$	Approval sought for work already done \$	Approval sought for future work \$	Total per task \$
Assets	-	-	-	-
Creditors	19,913.00	13,218.50	10,000.00	43,131.50
Employees	39,858.00	12,417.50	5,000.00	57,275.50
Trade on	139,832.00	7,973.00	10,000.00	157,805.00
Investigation	-	-	-	-
Dividend	70,805.00	36,625.50	12,500.00	119,930.50
Administration	42,630.00	3,612.00	12,500.00	58,742.00
TOTAL	313,038.00	73,846.50	50,000.00	436,884.50

In this table we compare on a task basis, the difference between our previous remuneration report and this report, together with explanations for material differences.

Task	Approved Fees per remuneration report dated 24 November 2021 \$	Total per task (from previous table) \$	Difference \$	Reasons for difference
Assets	-	-	-	
Creditors	62,607.00	43,131.50	19,475.50	– Less time has been spent corresponding with creditors than originally estimated
Employees	62,607.00	57,275.50	5,331.50	– In line with our original estimate
Trade on	-	157,805.00	(157,805.00)	– No time was originally allocated to trade-on tasks in our earlier remuneration approval request report – This was an oversight with significant time being spent reconciling and finalising trading liabilities with suppliers, employees, landlords, insurers, utility providers and tax authorities for the Administration and DOCA periods.
Investigation	-	-	-	
Dividend	140,867.00	119,930.50	20,936.50	– Less time has been spent than originally expected dealing with adjudicating proofs of debt
Administration	46,957.00	58,742.00	(11,785.00)	– We originally forecast to finalise the Trust by 30 June 2022 but due to unforeseen complexities relating to creditor claim adjudication this timeframe has been extended and therefore the slight increase in our fee estimate
TOTAL	313,038.00	436,884.50	(123,846.50)	

We also make the following general comments regarding the progress of the DSA Creditors' Trust that have affected our previous remuneration estimate:

- Dealing with certain complex proofs of debt that has resulted in a detailed review of pre-appointment records to reach an appropriate adjudication outcome;
- Significant dealings with, and reporting to, Scope regarding various operational and financial transition workstreams; and
- Dealing with complex issues with the Australian Taxation Office to finalise our trading liability position and their pre-appointment claim.

We have provided an explanation of tasks remaining to be completed, including our estimated costs to complete those tasks, to support our current remuneration approval request, at Part 3 of the report and in **Schedule A**.

Schedule E – summary of receipts and payments

Receipts and payments	Total (incl GST) \$
Receipts	
Interest income	3,149.64
Dividends received	6,234.32
JobSaver Grants	75,000.00
GST refunds	1,155,609.15
Transfer from Administration bank accounts	13,459,516.99
Total receipts	14,699,510.10
Payments	
Bank Charges	(135,853.10)
Consulting Fees	(206,470.69)
Dividends paid	(825,491.02)
Employee costs	(1,661.73)
Fuel & Oil	(53,422.08)
Hire & Leasing	(1,750,973.76)
Insurance	(104,501.58)
IT Expenses	(30,590.79)
Labour Hire	(36,996.72)
Legal Disbursements	(66,922.24)
Legal Fees	(179,237.18)
NDIA Claim Return	(2,143,756.85)
Office and Participant Site Supplies	(13,706.00)
Other costs	(6,516.17)
Participant Support Expense	(186,272.90)
Rent & Rates	(285,276.21)
Repairs & Maintenance	(73,738.64)
Telephone & Fax	(199,795.71)
Trustees' fees	(344,341.80)
Utilities	(8,605.30)
Voluntary Administration Disbursements	(589,585.70)
Voluntary Administration Fees	(228,336.13)
Total payments	(7,472,052.30)
Closing cash at bank	7,227,457.80

C – Short guide to the Creditors’ Portal

We are using the Creditors’ Portal as the primary tool for communicating with creditors and managing claims.

We have prepared this short guide to assist you as a creditor to understand the process that you must undertake to ensure you are appropriately registered as a creditor of the Trust.

Please note, the email registered on the Creditors’ Portal will receive all notifications including circulars and reports issued by the Trustees’.

Please refer to the following link for further guidance on how to register, submit and manage a claim:

<https://creditors.accountants/Help>

Step 1: Register



- ☐ Register as a user at the following link: <https://creditors.accountants/> (use chrome, edge or firefox).
- ☐ You will receive a confirmation email to verify your account (verify your email address within 24 hours of registering as a user).
- ☐ Once verified, you will be redirected to the Portal.
- ☐ If you are already a registered user, please skip to “Login” below.

Step 2: Log in



- ☐ Log into the Portal using your username and password.
- ☐ You will be redirected to a screen where you need to input the following details:
 - Company creditor – an ABN; or
 - Individual creditor – first and last name.
- ☐ You will be prompted to make a declaration to confirm that you are authorised to act on behalf of the company or individual and agree on how you wish to receive future correspondence.

Step 3: Link creditor



- ☐ Once you have completed your declaration, you will be redirected to the Portal landing page where you can view the Trust under “Recent Interactions”.
- ☐ If you cannot view the Trust listed on the landing page you may need a creditor code to link your profile to the Trust.
- ☐ Please contact the Trustees’ for a unique code to register your claim.
- ☐ Once you receive your creditor code, log in and click on your user name in the top right hand side and click on “Creditor Admin” and input your code and click “Link”
- ☐ There will be an option to provide an ABN (if relevant) for company creditors, click “I do not have an ABN” (individuals) and then click “continue”
- ☐ Follow the prompts and confirm you are authorised to act on behalf of the creditor.

Step 4: View company and documents



- ☐ You will be able to view the Trust on the landing page or under the “*Debtors*” tab and click “*My debtors*” or “*My claims*”. Click on “*Details*” to be directed to the Trust.
- ☐ You will be able to view any documents uploaded under the “*Documents*” tab that relate to the Trust.
- ☐ There are additional resources that you can also access under the “*Resources*” tab.

Step 5: Submit a Formal Proof of Debt Form (POD)



- ☐ You will be able to view the Trust on the landing page or under the “*Debtors*” tab and click “*My debtors*” or “*My claims*”. Click on “*Details*” to be directed to the Trust.
- ☐ Click on the “*Proof of Debt*” tab.
- ☐ Click on the “*Submit*” button and start completing the POD form.
- ☐ Tick “*No*” to the question “*Is your proof of debt informal*”. If you are an employee creditor, this will not be an option.
- ☐ Upload any supporting documentation for consideration.
- ☐ Press “*Next*” and “*Submit*”.

D – Forms to be completed

Creditors should review the contents of this report and complete the following forms by **4:00pm** on 24 June 2022.

Form/ voting	Where to submit
Appointment of proxy -(form 532) (Annexure D1)	Email: lmacgregor2@kpmg.com.au Post: PO Box H67, AUSTRALIA SQUARE NSW 1215
Proof of debt - (form 535)	Via Creditors' Portal https://creditors.accountants/

D1 – Appointment of proxy

Form 532 - Appointment of Proxy

Insolvency Practice Rules (Corporations) 2016, Section 75-25

Return to no later than 24 June 2022 to:

KPMG PO Box H67, AUSTRALIA SQUARE NSW 1215

Tel: +61 2 9335 7000

Fax: +61 2 9335 7001

Email: lmacgregor2@kpmg.com.au

Indebted Entity: The DSA Creditors' Trust ABN 82 929 616 738

Date of Appointment: 13/12/2021

A. Name and Contact Details of Person or Entity Entitled to Attend Meeting

¹

(if entitled in a personal capacity, given name and surname; if a corporate entity, full name of company, etc)

² of

(address)

³ Tel:

⁴ Email:

B. Appointment of Person to Act as Proxy

Note: You may nominate "the Chairperson of the meeting" as your proxy (or your alternate proxy in the event that the first-named proxy is not in attendance).

¹ I/We, as named in Section A above, a creditor/employee/contributory/member of the Company, appoint

²

(name of person appointed as proxy)

³

⁴ or in his / her absence

(address of person appointed as proxy)

⁵

(name of person appointed as alternate proxy)

⁶

⁷ as *my / *our proxy

(address of person appointed as alternate proxy)

to vote at the meeting of creditors to be held on 27 June 2022 at 3:00PM via teleconference, or at any adjournment of that meeting in accordance with the instructions in Section C below.

C. Voting Instructions

¹ *My / *Our proxy, as named in Section B above, is entitled to act as *my / *our :

☐

² general proxy, to vote on *my / *our behalf and / or

☐

³ special proxy, to vote on *my / *our behalf specifically as follows:

Resolution	For	Against	Abstain
1. Trustees' remuneration – 23 March 2022 to 27 May 2022 "That the remuneration of the Trustees, as set out in the Remuneration Approval Request dated 9 June 2022, for the period from 23 March 2022 to 27 May 2022 be fixed in the amount of \$73,846.50, plus any applicable GST, and may be paid."	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Trustees' remuneration – 28 May 2022 to completion of the DSA Creditors' Trust "That the future remuneration of the Trustees, as set out in the Remuneration Approval Request dated 9 June 2022, for the period from 28 May 2022 to completion of the DSA Creditors' Trust be fixed up to a maximum amount of \$50,000.00, plus any applicable GST, but subject to upward revision by resolution of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>creditors, and that the Trustees be authorised to make periodic payments on account of such accruing remuneration as incurred."</i>			
3.	Variation to Creditors' Trust Deed - Distributions <i>"That the Trustees be authorised to execute a deed amending the Creditors' Trust Deed as detailed in the report to creditors dated 9 June 2022."</i>	<input type="checkbox"/>	<input type="checkbox"/>

D. Signature

¹ Dated:

² Signature:

³ Name / Capacity:

Creditor Assistance Sheet: Completing a Proxy Form

Section A – Name and Contact Details of Person or Entity Entitled to Attend Meeting

1. Insert the full name of the employee, individual, sole trader, partnership or company that the debt is owed to.
2. Insert the address of the employee, individual, sole trader, partnership or company that the debt is owed to.
3. Insert the telephone number of the employee, individual, sole trader, partnership or company that the debt is owed to.
4. Insert the email address of the employee, individual, sole trader, partnership or company that the debt is owed to.

Section B – Appointment of Person to Act as Proxy

1. Cross out any wording that is **not** applicable. For example, if the employee/individual/sole trader/partnership/company is a creditor, cross out “eligible employee creditor”, “contributory”, “debenture holder” and “member”.
2. Insert the name of the person who will be exercising the creditor’s vote at the meeting. If someone is attending the meeting in person, that person’s name should be inserted. Alternatively, if someone is unable to attend, but you still want to cast a vote at the meeting, then you can appoint the Chairperson of the meeting to vote on your behalf by inserting the words ‘the Chairperson’ here.
3. Insert the address of the person nominated at (2) that will be attending the meeting as proxy. If you have elected ‘the Chairperson’ because no one is attending in person, leave this row blank.
4. Cross out any wording that is **not** applicable.
5. If the person you have elected to attend is unavailable on the day, you may nominate a second person to attend in their absence. Alternatively, you can appoint the Chairperson of the meeting to vote on your behalf by inserting ‘the Chairperson’.
6. Insert the address of the second person here. If you have elected ‘the Chairperson’, leave this row blank.
7. Cross out any wording that is not applicable.

Section C – Voting Instructions

1. Cross out any wording that is not applicable.
2. Insert an ‘X’ in this box if you want the person who is attending the meeting to vote as they see fit on each of the resolutions in the ‘Resolution’ table. If you select this option, proceed to Section D, **unless** you wish to vote specifically on certain resolutions, in which case you also insert an ‘X’ in the special proxy box and select ‘For’, ‘Against’ or ‘Abstain’ on the resolutions. The person voting at the meeting will have discretion to vote as they see fit on any resolutions where you have **not** selected ‘For’, ‘Against’ or ‘Abstain’.
3. Insert an ‘X’ in this box if you want the person who is attending the meeting, to vote exactly in accordance with your instructions. If you select this option, you must select ‘For’, ‘Against’ or ‘Abstain’ for each of the resolutions in the ‘Resolution’ table. Do not tick more than one box for each resolution.

Section D – Signature Instructions

1. Insert the date that the proxy form is being signed.
2. The form should be signed by **one** of the following persons:
 - If the debt is owed to an employee/individual, then the individual that the debt is owed to; or
 - If the debt is owed to a sole trader, then the sole trader that the debt is owed to; or
 - If the debt is owed to a partnership, then one of the partners of the partnership; or
 - If the debt is owed to a company, then a duly authorised officer of the company (normally a director or secretary of the company).
3. Insert the name of the person signing the form, and note their capacity (that is, their role):
 - If the debt is owed to a sole trader, note their capacity as proprietor, eg: “[Full name], proprietor”; or
 - If the debt is owed to a partnership, note their capacity as partner, eg: “[Full name], partner of the firm named in Section A above”; or
 - If the debt is owed to a company, note their capacity as director or secretary, eg: “[Full name], director/secretary of the company named in Section A above”]